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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,477	02/23/2004	Stefan Hein	HANZ-206	1721
24972	7590	07/11/2008		
FULBRIGHT & JAWORSKI, LLP				
666 FIFTH AVE				
NEW YORK, NY 10103-3198				
EXAMINER				
MOORE, KARLA A				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
07/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/784,477

**Applicant(s)**

HEIN ET AL.

**Examiner**

KARLA MOORE

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-41 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 28-36 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. There is insufficient antecedent basis for numerous limitations in the pending claims.
4. For example: Claim 28 recites "the two uppermost partitions"; Claim 29 recites "the circumferential section..."; Claim 31 recites "the partitions"; Claims 34 and 40 recite "the chamber sections" and Claim 34 also recites "the side chambers".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 22-24, 27, 37-39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 101 57 186 C1 to Erbkamm et al.

10. Erbkamm et al. disclose a web coating apparatus having a vacuum chamber (1) which has between a back wall and at least one removable closing plate: a casing/shield with a flat cover (22), at least one guide roll (13) and a coating cylinder (15 and 16) with an axis, A, as well as at least one coating source (abstract) being disposed in the vacuum chamber, wherein the ends of the at least one guide roll and of the coating cylinder which face the closing plate are fastened (e.g. indirectly via parts to the cover with bearings and that the space in the vacuum chamber underneath the coating cylinder is kept free of supporting elements (see Figures 1 and 2; abstract).

11. With respect to claims 23 and 24, the coating cylinder is journaled on the back wall. One of ordinary skill in the art would recognize that the same mechanism could be provided for the guide rolls as they function similarly (see Figure 2).

12. With respect to claim 27, within the vacuum chamber at least four sub chambers are formed on the circumference of the coating cylinder by dividing walls (17).

13. With respect to claim 37, the size of the apparatus would be adapted to meet processing needs (e.g. substrate to be processed, desired throughput, etc.).

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14. With respect to claims 38, 39 and 41, the vacuum chamber has on each side of the coating cylinder a side chamber (2 and 3) in which a winding mandrel, one for an unwinding roll (4 or 5) and one for a winding roll (4 or 5) as well as corresponding guide rolls (13). Further, at the upper sides of the side chambers lie at least substantially at the same level as the cover of the vacuum chamber.

15. Claims 25-26, 28-29, 30 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erbkamm et al. as applied to claims 22-24, 27, 37-39 and 41 above, and further in view of U.S. Patent No. 2,925,062 to Schwindt.

16. Erbkamm et al. disclose the invention substantially as claimed and as described above.

17. However, Erbkamm et al. fail to teach dividing walls for dividing the space underneath and laterally of the coating cylinder which have at their ends facing the coating cylinder sealing means whose curvature is adapted to the radius of the coating cylinder such that between the sealing elements and the coating cylinder arcuate sealing means whose curvature is adapted to the radius of the coating cylinder such that between the sealing elements and the coating cylinder arcuate sealing gaps are formed.

18. Schwindt teaches providing a plurality of gates and corresponding arcuate sealing members for the purpose of readily adjusting the clearance between separate sections of the coating apparatus (column 1, rows 52-64 and column 2, rows 43-68).

19. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a plurality of gates and corresponding arcuate sealing members in Erbkamm et al. in order to readily adjust the clearance between separate subsections of the coating apparatus as taught by Schwindt.

20. With respect to claims 28-29, the dividing walls are disclosed as claimed, see Figure 1 of Schwindt.

21. With respect to claim 30, guide rolls can be provided as needed in both Erbkamm and Schwindt in order to support and guide the web being processed.

22. With respect to claim 40, Schwindt teaches providing separate sections (subchambers and sidechambers) of a coating apparatus to separate vacuum pumps (column 3, rows 29-44).

***Allowable Subject Matter***

23. Claims 31-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

24. The prior art of record fails to teach or fairly suggest dividing wall have at their ends opposite from the back wall radially running sealing bars against which the closing plate can be placed in contact, as recited in claims 31 (and claims dependent thereon). The prior art of record further fails to teach or suggest the coating cylinder is surrounded at its ends within subchambers by strip-like masks covered cylindrically coaxially, which extend around the said ends with tight clearance and shield the coating cylinder against

coating of their surface portions not covered by the web, as recited in claim 34 (and claims dependent thereon). Additionally, no other properly combinable art was located to supply the missing features along with the requisite motivations.

### ***Response to Arguments***

25. Applicant's arguments filed 6 March 2008 have been fully considered but they are not persuasive.

26. Examiner first notes that it is unclear which English translation Applicant is referring to in the response, as there does not appear to be such a document on record. If Applicant has such a document it is requested that it is made of record

27. As described in the above rejection, Erbkamm discloses ends of the at least one guide roller and of the coating roller that face toward the removable closing plate at least indirectly attached by supporting elements and bearings to the top.

28. In response to Applicant's argument that the disclosures of Erbkamm and Schwindt are not combinable because they do not teach the same design principles, it is noted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARLA MOORE whose telephone number is (571)272-1440. The examiner can normally be reached on Monday-Friday, 9:00 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571.272.1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Karla Moore/  
Primary Examiner, Art Unit 1792